

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JABBAR WITHROW,

Plaintiff,

vs

9:05-CV-1129

J. TAYLOR, Superintendent, Gouverneur  
Correctional Facility; GEDDIS, School Principal,  
Gouverneur Correctional Facility; LIBERTY,  
Lieutenant, Gouverneur Correctional Facility;  
BANGO, Correctional Officer, Gouverneur  
Correctional Facility; and YAHYA ABDUR  
RAHIM, Islamic Chaplain, Gouverneur  
Correctional Facility,

Defendants.

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APPEARANCES:

JABBAR WITHROW  
Plaintiff, Pro Se  
No. 201  
2130 Tiebout Avenue  
Bronx, NY 10457

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendants  
Department of Law  
The Capitol  
Albany, NY 12224-0341

DAVID N. HURD  
United States District Judge

OF COUNSEL:

STEVEN H. SCHWARTZ, ESQ.  
Asst. Attorney General

**DECISION and ORDER**

Plaintiff, Jabbar Withrow, brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated September 28, 2007, the Honorable Gustave J. DiBianco, United States Magistrate Judge, recommended that defendants' motion for

summary judgment be granted and the amended complaint be dismissed as against defendants Bango, Liberty, Taylor, and Geddis; that the amended complaint be dismissed as against defendant Rahim for failure to timely serve and for failure to timely substitute his estate pursuant to Fed. R. Civ. P. 4(m) & 25; and that the complaint be dismissed in its entirety. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge DiBianco, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

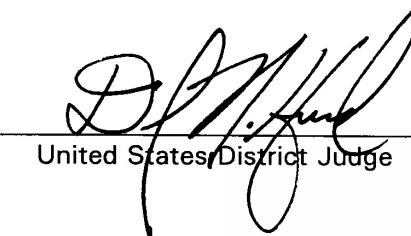
ORDERED that

1. Defendants' motion for summary judgment is GRANTED;
2. The amended complaint is DISMISSED as against defendants Bango, Liberty, J. Taylor, and Geddis;
3. The amended complaint is DISMISSED as against defendant Rahim; and
4. The complaint is DISMISSED in its entirety.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: November 5, 2007  
Utica, New York.



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United States District Judge